



Appeal Decision

Site Visit made on 18 May 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Appeal Ref: APP/J4423/W/21/3268791

Shirecliffe Road, Sheffield, S4 7DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).
 - The appeal is made by MBNL Limited against the decision of Sheffield City Council.
 - The application Ref 20/03010/TEL, dated 2 September 2020, was refused by notice dated 23 October 2020.
 - The development proposed is described as: Installation of a 20m high mast supporting communications apparatus, 9No. equipment housing cabinets at ground-level and ancillary works thereto.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, for installation of a 20m high mast supporting communications apparatus, 9No. equipment housing cabinets at ground-level and ancillary works thereto at Shirecliffe Road, Sheffield S4 7DU, in accordance with application Ref 20/03010/TEL, dated 2 September 2020, and the associated requirements of the GPDO.

Preliminary Matters

2. The description of proposed development on the Council's decision notice differs to that on the application form. On the appeal form, the appellant has given the same description to that used on the application form and states that it has not changed. I have no evidence of the parties agreeing to a change of description. I have therefore made my decision based on the description of proposed development originally given on the application form, which I consider sufficiently describes the proposed works.
3. The provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. My determination of the appeal has been made on the same basis. I note that there is no definition of the terms siting and appearance in the GPDO or in extant national policy or guidance.
4. The principle of development is established by the GPDO. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have therefore only had regard to development plan policies in so far as they are material to matters of siting and appearance.

Main Issues

5. The main issues are:

- whether the siting and appearance of the proposed development is acceptable with regards to its effect on the character or appearance of the area, and
- if any harm is found, whether this is outweighed by the need to site the installation in the location proposed, having regard to the availability of suitable alternative sites.

Reasons

Character and appearance

6. The site is located within the footpath, just north of a bus shelter, on the eastern side of Shirecliffe Road, a road which runs through a designated housing area, as defined in the Sheffield Unitary Development Plan (UDP). There are dwellings on the opposite side of the road from the site which are two-storeys high. The land to the east of the site is lower than the footpath and comprises an open area accommodating several football pitches that form part of the training area of a local football club. The boundary between the open area to the east and the footpath consists of a grass verge, a fence around 2 m high and trees up to around 9 m high. There are slimline streetlamps along the eastern side of the road, around 10 m high, and a few telegraph poles, around 8-9 m high. There is also an existing telecommunications mast, around 12 m high, located around 12-15 m south of the bus shelter, with 5 or 6 associated ground level cabinets. Hence, even with the existing telecommunications mast, the area is characterised by low-level residential properties, low-level street furniture and open sports fields.
7. The proposed 20 m high monopole would be of a diameter much wider than the streetlamps along the road and it would have antennas sited on its upper part. The mast would tower above the adjacent boundary tree line, the street furniture, and residential properties in the area, being around twice the height of the highest of these features. The number of proposed cabinets, 9, would be extensive, resulting in a dense row of cabinets along the footpath's edge. The mast and the cabinets would be very prominent and highly visible within the street scene; and the mast would be seen from public vantage points beyond the immediate locality. I disagree with the appellant's assertion that the proposal would not look untoward within the context of the site. To my mind, given the extensive height of the mast and the substantial number of associated cabinets, regardless of the finishes that could be used on the surfaces of the equipment, I conclude that the siting and appearance of the proposal would significantly harm the street scene and the character and appearance of the area.
8. Although not determinative, in light of the above, the proposal would not accord with Policy CS74 of the Sheffield Development Framework Core Strategy-2009 or policies H14 and BE14 of the UDP; which, collectively, and among other things, require new development, including telecommunications equipment, to be well-designed, sited to minimise visual impact and to be in scale and in character with the area.

Alternative sites

9. Paragraph 113 of the Framework advises that the number of telecommunications masts and the sites for such installations should be kept to a minimum; and that the use of existing masts, buildings and other structures should be encouraged. It is also recognised in paragraph 113 that new sites may be required for the delivery of some services, such as 5G.
10. Paragraph 115 of the Framework advises that applications for electronic communications development, including applications for prior approval under the GPDO, should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
11. The site is a new site. The need for the site has arisen due to a base-station being decommissioned for reasons beyond the control of the operator. In addition to alternative sites initially discounted by the appellant, other alternative sites were considered at the request of Council Officers, and these were also discounted, due to not being suitable for several reasons.
12. In accordance with paragraph 116 of the Framework, the Council does not question the need for the proposal, and I have no grounds for doing so either. The Council also appreciate that the mast needs to be of a "certain height" to ensure suitable coverage is achieved. Additionally, as the appellant provided a response to the Council's suggestion of considering other alternative sites, the Council appears to accept that the appellant has considered other feasible options but that no suitable alternative exists. I am satisfied that the appellant has demonstrated that there are no suitable alternative sites that would be more favourable in respect of the effect of the proposal on character and appearance. This factor therefore weighs heavily in favour of the proposal.

Other Considerations

13. Paragraph 80 of the Framework advises that significant weight should be attached to the economic benefits of providing and enhancing electronic communications infrastructure. Paragraph 112 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that the expansion of electronic communications networks, including next generation mobile technology, such as 5G, should be supported.
14. The proposal would reinstate 2G, 3G and 4G coverage within the area as well as providing 5G coverage, services would collectively increase network capacity and provide ultra-fast and more reliable mobile connectivity, capable of handling ever-increasing data requirements. The development would provide extensive social and economic benefits to individuals, businesses, and public services, including education and healthcare. The Council does not question the social and economic benefits that would result from the proposal but concludes that they do not outweigh the harm found. However, as no suitable alternative sites have been identified, I attach substantial weight to the benefits that would result from the proposal.
15. In weighing all the above matters, although I have found that the siting and appearance of the proposal would significantly harm the character and

appearance of the area, I consider the substantial social and economic benefits of the proposal outweigh the harm identified.

Conditions

16. The permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9)(b), A.3(11)(b) and A.2(2)(ii) of the GPDO, which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

17. For the reasons outlined above, I conclude that the appeal is allowed, and prior approval is granted.

J Williamson

INSPECTOR